

Civil Action No. 2:16-CV-117

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2. Citation for the State Court Action was issued on June 22, 2016 and served on the Defendant via Certified Mail on June 30, 2016. *See* Exhibit B.

II. BASIS FOR REMOVAL

3. This Court has original jurisdiction over this State Court Action, pursuant to 28 U.S.C. §1332(a), because it is a civil action between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

4. The Plaintiffs seek monetary damages of over \$100,000.00 but less than \$200,000.00. *See* Exhibit A-1. Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs

5. Plaintiffs were at the time of the filing of this action, have been at all times since, and still are individual resident citizens of Texas. For diversity purposes, an individual is a citizen of the state of her domicile, which is the place of her true, fixed, and permanent home and principal establishment, to which she has the intention of returning home whenever she is absent therefrom. *See Stine v. Moore*, 213 F.2d 446, 448 (5th Cir. 1954). Accordingly, Plaintiff is a citizen of Texas.

6. On the date of this removal and at all relevant times, Defendant The Travelers Home and Marine Insurance Company is a citizen of the State of Connecticut because it is a Connecticut corporation with its principal place of business in the state of Connecticut. *See* Exhibit C. For diversity purposes, a Corporation is a citizen of the state of its incorporation and where it has its primary place of business. 28 U.S.C. §1332(c)(1).

7. Because the amount in controversy exceeds \$75,000 and Plaintiffs are citizens of Texas while no properly joined defendant is a citizen of Texas, this Court has original jurisdiction over the present action pursuant to 28 USC §1332. Therefore, removal is proper.

76666.0168

8. This action may be removed to this Court pursuant to 28 USC §1441(a), which allows for the removal of any civil action brought in the state court of which the District Courts of the United States have original jurisdiction, by the defendant or the defendants, to the District Court of the United States for the district and division embracing the place where such action is pending.

9. This Notice of Removal is filed within thirty (30) days after service (on June 30, 2016) by Defendant of the State Court Action. This Notice of Removal is also been filed within one year of the filing of Plaintiffs' Original Petition by which the State Court Action was commenced. This Notice, therefore, is timely filed pursuant to 28 USC §1446 (b).

III. PROCEDURAL REQUIREMENTS

10. In accordance with 28 USC section 1446 (D), Defendant will promptly give written notice of this Notice of Removal to Plaintiffs through counsel of record and file a copy of this Notice of Removal in the 293RD Judicial District Court, Maverick County, Texas.

11. Defendants reserve the right to amend or supplement this Notice of Removal.

12. The following are included in the Appendix filed contemporaneously with this Notice of Removal:

- (a) an index of all documents that clearly identifies each document and indicates the date the document was filed in the State Court Action;
- (b) a copy of each document filed in the State Court Action, except discovery material, arranged in chronological order according to the state court filing date;
- (c) a separately filed JS 44 Civil Cover Sheet; and
- (d) a separately filed Supplement to JS 44 Civil Cover Sheet for Cases Removed from State District Court.

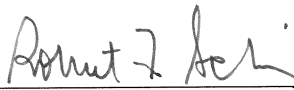
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For the above reasons, Defendant gives notice of the removal of the State Court Action to this Court and respectfully requests that this action proceed before this Court as though it had originally been instituted in this Court.

Dated: 22 July, 2016

Respectfully submitted,

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& BURNS, P.C.
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By: 
ROBERT F. SCHEIHING
State Bar No. 17736350

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been e-filed with the Court and sent via facsimile to the following counsel of record in compliance with the Federal Rules of Civil Procedure this 22 day of July, 2016:

Juan E. Gonzalez
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ROBERT F. SCHEIHING